

R E C E I V E D

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

DEC 22 2016

AT 8:30  
WILLIAM T. WALSH  
CLERK

YEHUDIS PODOLSKY and  
SIMCHA PODOLSKY,

Plaintiff,

vs.

COMENITY CAPITAL BANK,

Defendants.

CIVIL ACTION NO.:  
3:16-cv-04075-BRM-DEA

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DOUGLAS E. ARPERT  
U.S. MAGISTRATE JUDGE

**JOINT STIPULATION TO STAY CASE AND  
COMPEL ARBITRATION**

IT IS HEREBY STIPULATED BY AND BETWEEN that Plaintiffs, Simcha and Yehudis Podolsky (collectively "Plaintiffs"), and Defendant, COMENITY CAPITAL BANK more properly identified as Comenity Bank ("Defendant"), by and through their undersigned counsel, hereby submits this joint stipulation to stay the case and compel arbitration as follows:

1. On or about July 2016, the Plaintiffs commenced this action by filing a Complaint against Defendant.
2. On October 20, 2016 Plaintiffs filed an Amended Complaint.
3. On November 3, 2016, Defendant filed an Answer to Plaintiffs' Amended Complaint.
4. On November 19, 2016 Defendant filed a Motion to Compel Arbitration seeking to Compel all of the Plaintiffs' causes of action to arbitration pursuant to cardmember agreements governing the accounts.

5. Plaintiffs and Defendant have agreed to arbitrate all of the claims in this case pursuant to the written arbitration agreement.

6. Plaintiffs agree that they are required to initiate arbitration within forty-five (45) days with either the American Arbitration Association ("AAA") or JAMS.

7. Plaintiffs and Defendant therefore respectfully request that this Court so order this Stipulation so that all claims relevant to this lawsuit be submitted to final, binding arbitration and that this action be stayed.

**IT IS SO STIPULATED.**

Dated: December 20, 2016

*The Clerk shall administratively terminate this action, subject to reinstatement upon the written request of any party.*

*So Ordered -  
SSSgent  
USUS*

**MCGLINCHEY STAFFORD**

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